

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Jerry Ngome Komando,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 22-cv-00425-SE
	)	
FCI Berlin, Warden,	)	
	)	
Respondent.	)	

WARDEN’S RESPONSE TO COURT’S REPORT AND RECOMMENDATION

On January 12, 2023, the Court held a motion hearing in this case. Following the hearing, the Court issued a Report and Recommendation ordering that the Respondent provide the court with Mr. Komando’s recalculated projected release date after the application of his First Step Act earned time credits. On November 21, 2022, the Respondent provided the Court with the Petitioner’s sentence computation, attached thereto as Ex. A, 1, which stated that his projected release date is August 29, 2023.

Pursuant to the Court’s Report and Recommendation, the Bureau of Prisons (“BOP”) will apply the Respondent’s FSA credits to the Petitioner’s sentence, resulting in an estimated release date of April 1, 2023.<sup>1</sup> January 31, 2023 Declaration of Stephanie Scannell-Vessella, attached as Exhibit A, First Step Act Time Credit Assessment Sheet at Attachment 1 (“Ex. A, 1”); January 17, 2023 Declaration of Stephanie Scannell-Vessella attached as Exhibit B<sup>2</sup>. However, an exact release date cannot be provided because the Petitioner’s circumstances could change; for

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<sup>1</sup> To the extent that the Petitioner maintains that BOP should include FSA time credits for time prior to his arrival at his designated BOP facility, 28 C.F.R. 523.42(a) precludes it.

<sup>2</sup> The attachments referenced in Exhibit B were previously provided to this Court on January 17, 2023 and are not included again for purposes of this Notice.

example, he could potentially earn additional time credits or incur a disciplinary infraction, both of which could alter his projected release date.

Respectfully submitted,

JANE E. YOUNG  
United States Attorney

Dated: January 31, 2023

By: /s/ Heather A. Cherniske  
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CERTIFICATE OF SERVICE

I hereby certify that on this 31<sup>st</sup> day of January, 2023, a copy of the foregoing Response was served via first class certified mail, return receipt requested, upon pro se petitioner Jerry Ngome Komando, Reg. No. 58776-177, Federal Correctional Institute Berlin, P.O. Box 9000, Berlin, NH 03570.

/s/ Heather A. Cherniske  
Heather A. Cherniske, AUSA